

REMARKS

Claims 1, 2, and 4-21 are pending and at issue in this patent application. Of these, claims 1, 6, 7 and 10 are independent. Claim 3 is cancelled and claims 11-21 are added by this amendment. As a result of this amendment, the application now includes four independent claims and 20 total claims. Applicant includes herewith the fee for one additional independent claim over the three independent and 20 total claims paid for with the filing fee.

In the Office Action dated December 6, 2004, original claims 3, 6, 7, and 10 were indicated to be allowable if rewritten to be in independent form. Accordingly, claim 1 is amended to incorporate the language of claim 3, and claims 6, 7, and 10 are amended to be in independent form incorporating all of the limitations of their base claims. Applicant therefore submits that claims 1-2 and 4-10 are allowable. Each of claims 11-21, added by this amendment, depends from one of the allowable independent claims, and thus, claims 11-21 are also submitted to be allowable.

Applicant notes that the Examiner did not consider the documents FR 901 892; DE 1 203 146B; and GB 651 969 submitted by the Applicant in IDS's dated July 1, 2003, and February 2, 2004, because, according to the Examiner, these documents were non-legible. While the Applicant believes the copies of these documents submitted by the Applicant were legible, Applicant resubmits copies herewith, along with an additional Form PTO-1449 citing this previously submitted, but unconsidered art. Applicant respectfully requests the Examiner to consider each listed reference and initial the enclosed Form PTO-1449 upon consideration. Additionally, the relevance of the non-English language documents of FR 901 892 and DE 1 203 146B is indicated in the EPO search report, in which this art was cited (and which was also submitted by the Applicant in the IDS dated February 2, 2004). As a result, the

Examiner should consider this art pursuant to 37 C.F.R. 1.98(c); MPEP 609(III)(A)(3).

Furthermore, the Applicant notes that previously submitted document DE 1 685 230 appears to relate to a shoe heel. As a result, Applicant does not believe that this art is relevant to the application.


Applicant submits that this art was properly cited to the Examiner in the IDS's dated July 1, 2003, and February 2, 2004, and thus, submits that no fee is due for consideration of this art. However, the Commissioner is hereby authorized to charge any fees which may be due for the consideration of this art or this amendment, or to credit any overpayments to Deposit Account No. 13-2855 of Marshall, Gerstein & Borun LLP. A copy of this paper is enclosed herewith.

CONCLUSION

For the foregoing reasons, Applicant respectfully requests reconsideration and allowance of claims 1, 2, and 4-21.

If there are matters that can be discussed by telephone to further the prosecution of this application, Applicant respectfully requests that the Examiner call his attorney at the number listed below.

Respectfully submitted,

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